

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DOUG KNUEVEN,

Plaintiff,

v.

LYSTN, LLC, *et al.*,

Defendants.

CIVIL ACTION
NO. 5:23-cv-04968-JLS

ORDER

AND NOW, this 16th day of July, 2025, upon consideration of Defendants' Motion for Partial Summary Judgment, ECF No. 65, and Plaintiff's opposition and Rule 56(d) Request, ECF No. 81, and for the reasons set forth in the accompanying Memorandum Opinion, it is hereby ORDERED that:

- (1) Defendants' Motion for Partial Summary Judgment, ECF No. 65, is **GRANTED IN PART** and **DENIED IN PART**, as follows:
 - (a) the motion is **DENIED** with respect to Counts I and II (Lanham Act false advertising and false association);
 - (b) the motion is **GRANTED** with respect to Counts VII (commercial defamation), VIII (negligence), IX (conversion), X (unjust enrichment), and XI (*quantum meruit*), and judgment is **ENTERED** in favor of Defendants and against Plaintiff on those counts; and
 - (c) the motion is **DENIED WITHOUT PREJUDICE** with respect to Plaintiff's veil-piercing theory against Defendant Keith Hill.
- (2) Plaintiff's Rule 56(d) request, ECF No. 81, is **GRANTED IN PART**, as follows:
 - (a) within fourteen (14) days of the date of the entry of this Order, Plaintiff may file a narrowly tailored motion to compel that: (i) precisely identifies each unredacted

document sought (by Bates number or other unique identifier); (ii) explains the relevance of each document; and (iii) attaches a proposed order enumerating the disputed documents; and

(b) failure to file such a motion within the allotted time will be deemed a waiver of further Rule 56(d) relief.

(3) Defendants may renew only the veil-piercing portion of their motion for summary judgment as follows:

(a) if Plaintiff files a motion to compel within the fourteen-day period, Defendants may renew their motion within thirty (30) days after the Court resolves that motion; or

(c) if Plaintiff files no motion to compel, Defendants may renew their motion within three (3) days after the fourteen-day period described in Paragraph 2(a) expires.

(4) No subsequent motion by either party shall incorporate by reference any previously filed motion or subpart thereof.

(5) Defendant's Motion to Strike Affidavit of Roxanne Stone, ECF No. 84, is **DENIED** as **MOOT**.

(6) The Clerk of Court is **DIRECTED** to amend the docket caption to be consistent with the caption set forth in the Amended Complaint, ECF No. 11.

BY THE COURT:

/s/ Jeffrey L. Schmehl
JEFFREY L. SCHMEHL, J.